

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

VINCENT BLACKMON,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-02388

STATE OF WEST VIRGINIA, et al.,

Defendants.

ORDER

Pending before the Court are Plaintiff's Complaint, (ECF No. 2), and Application to Proceed without Prepayment of Fees and Costs, (ECF No. 1). By Standing Order entered on January 4, 2016, and filed in this case on March 14, 2016, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley filed his PF&R on June 25, 2018, recommending that this Court find that Plaintiff's Complaint, (ECF No. 2), fails to state a claim upon which relief can be granted, deny Plaintiff's application to proceed without prepayment of fees and costs, (ECF No. 1), and dismiss this civil action pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B) and 1915A, (ECF No. 10). (ECF No. 6.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this

Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

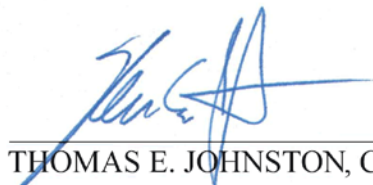
Objections to the PF&R in this case were due on July 12, 2018. (ECF No. 6.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 6), **DISMISSES** Plaintiff's Complaint for failure to state a claim, (ECF No. 2), **DENIES** Plaintiff's Application to Proceed without Prepayment of Fees and Costs, (ECF No. 1), and **DISMISSES** this action from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 19, 2018

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE